

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-CR-00257-RJC-DCK

USA

v.

ROBERT WILLIAM KENDRICK

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ORDER

THIS MATTER is before the Court upon a motion by the defendant pro se, (Doc. No. 56), seeking vacatur of his 21 U.S.C. § 841 sentence enhanced by the Career Offender guideline based on Borden v. United States, 141 S. Ct. 1817 (2021), and dismissal of his 18 U.S.C. § 924(c) conviction based on the facts of this case.

His conviction became final after the United States Court of Appeals for the Fourth Circuit affirmed the Judgment of Conviction. (Doc. No. 50: Opinion; Doc. No. 51: Mandate). Accordingly, such claims would be appropriate to raise pursuant to 28 U.S.C. § 2255.

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 56), is **DENIED** without prejudice. The Clerk of Court is directed to send the defendant a copy of the Pro Se Prisoner 2255 Motion to Vacate Form at the place of his incarceration.

Signed: January 13, 2022



Robert J. Conrad, Jr.
United States District Judge

